

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Larry Percell Maybin,)
Plaintiff,) Civil Action No. 0:14-4853-TMC-PJG
vs.)
Spartanburg County Sheriff's Dept.;)
Deputy Robert Morrison; Deputy)
Derrick McBryer; Cpl. Shannon)
Greene; Phillip Martin; Jason)
Long; Brad James; Natalie Smith;)
Spartanburg County Detention Center,)
Defendants.)

)

ORDER

Plaintiff Larry Percell Maybin, a pretrial detainee proceeding pro se, brought this civil rights action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civ. Rule 73.02, DSC, this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that Defendants Spartanburg County Detention Center and Spartanburg County Sheriff's Department be dismissed from this case without prejudice and without issuance and service of process. (ECF No. 24). Plaintiff was advised of his right to file objections to the Report. (ECF No. 24 at 6). However, Plaintiff filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but

instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court adopts the Magistrate Judge's Report (ECF No. 24) and incorporates it herein. It is therefore **ORDERED** that Defendants Spartanburg County Detention Center and Spartanburg County Sheriff's Department are **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Timothy M. Cain

United States District Judge

April 24, 2015
Anderson, South Carolina